



**CITY OF SUNNYVALE
REPORT
Planning Commission**

July 26, 2004

SUBJECT: **2004-0471 - Velocitel (AT&T Wireless)** [Applicant]
 Birchwood Properties, Llc [Owner]: Application for a
 23,914 square-foot site located at **1259 Birchwood Drive** in
 an M-S (Industrial & Service) Zoning District. (APN: 104-29-
 003).

Motion Use Permit to allow the co-location of six panel antennas on
 an existing 90-foot monopole and associated ground
 equipment.

REPORT IN BRIEF

Existing Site Industrial Building
Conditions

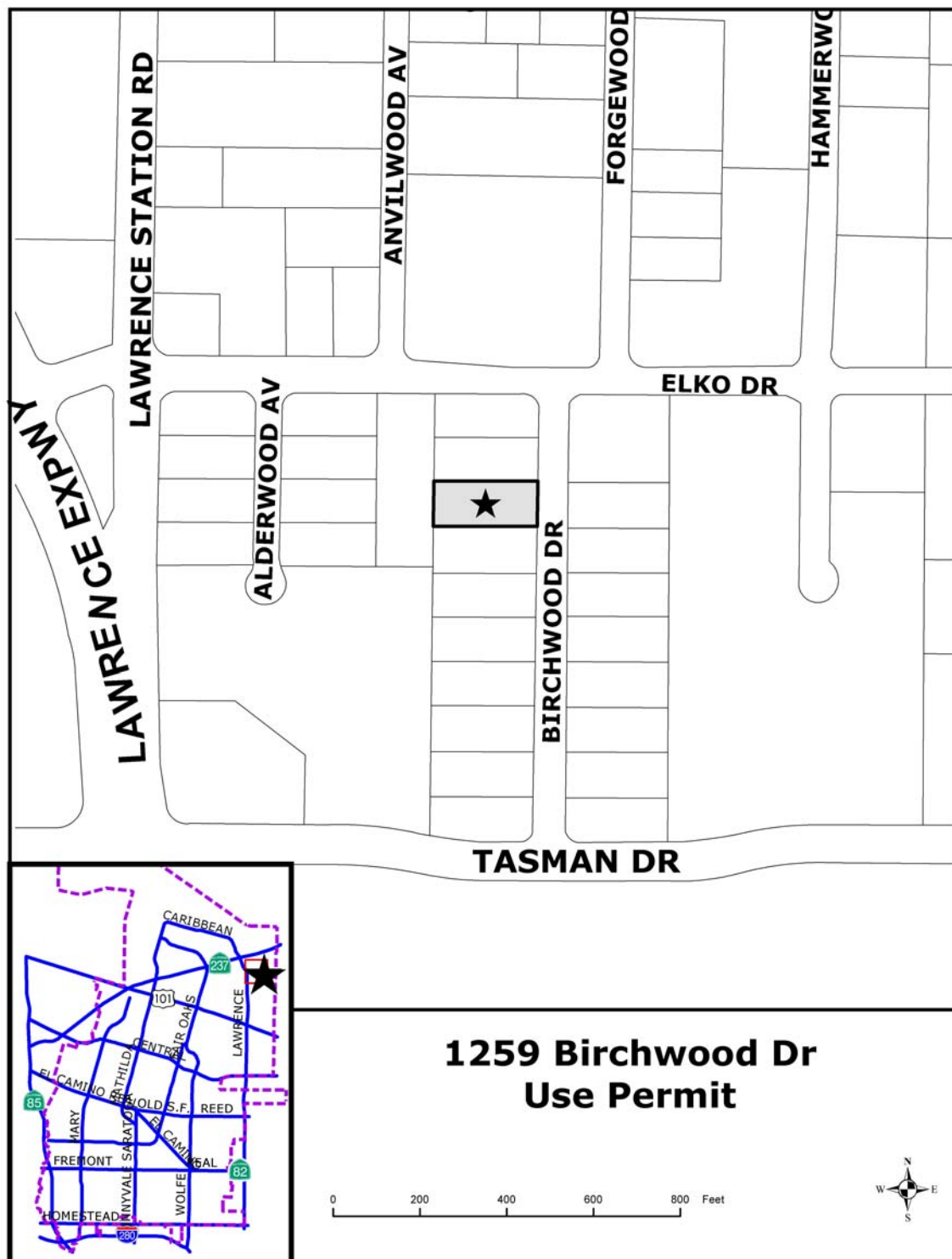
Surrounding Land Uses

North	Industrial
South	Industrial
East	Industrial
West	Industrial

Issues Aesthetics

Environmental A Negative Declaration has been prepared in
Status compliance with California Environmental Quality
 Act provisions and City Guidelines.

Staff Approve with conditions
Recommendation



PROJECT DATA TABLE

	<u>EXISTING</u>	<u>PROPOSED</u>	<u>REQUIRED/ PERMITTED</u>
General Plan	Industrial	Same	
Zoning District	M-S	Same	---
Lot Size (s.f.)	23,914	Same	22,500 min.
Gross Floor Area (s.f.)	11,000	Same	8,363
Height of Monopole (ft.)	90	Same	By Use Permit
Parking			
• Total No. of Spaces	24	22	22 min.

ANALYSIS**Background**

Previous Actions on the Site: The following table summarizes previous planning applications related to the subject site.

File Number	Brief Description	Hearing/Decision	Date
2001-0321	Proposal for 6 antennas and associated ground equipment	Planning Commission/ Approved	7/9/01
2001-0259	Proposal for 3 antennas and associated ground equipment	Planning Commission/ Approved	7/9/01
1998-0944	Addition of a small GPS antenna (existing carrier)	Miscellaneous Plan Permit / Approved	7/30/98
1998-0162	Addition of a small ancillary antenna (existing carrier)	Miscellaneous Plan Permit / Approved	3/10/98
1994-0038	Monopole and antennas (9 panel array)	Planning Commission/ Approved	9/26/94

The original application for the construction of the monopole was approved in 1994 which included an array of nine antennas. These antennas are currently located at the top of the tower. Two applications were approved in July of 2001 that permitted 6 total antennas (3 for each proposal). The Planning Commission required these antennas to be flush mounted to the monopole.

Description of Proposed Project

The proposed project is for the co-location of six panel antennas attached to an existing 90 foot telecommunications monopole at 1259 Birchwood Drive. The monopole was originally constructed in 1994. The antennas would be positioned under the current antennas at approximately 58 feet.

Environmental Review

A Negative Declaration has been prepared in compliance with the California Environmental Quality Act provisions and City Guidelines. An initial study has determined that the proposed project would not create any significant environmental impacts (see Attachment 3, Initial Study).

Use Permit

Use: The proposed fourth co-location of six antennas would result in a total of 21 antennas. Originally the applicant proposed an array of six antennas that would project from the pole in three groups of two. Staff recommended that applicant redesign the proposal to allow the antennas to be flush mounted directly to the monopole (Condition of Approval #4). The applicant has indicated that this would result in two sections, or rows, of the monopole being utilized. Three antennas would be positioned above three additional antennas. The recommended alternative is illustrated by a photosimulation on page 1 and 2 of Attachment 5. Photosimulations of the original proposal are noted on page 3 and 4 of this attachment. The applicant has also noted that the alternative preferred by staff would decrease the capability of the antennas and would limit future co-location opportunities for the site. However, staff believes that this is the most preferable aesthetic solution for the project.

Additionally, the antennas would be connected with cables to new equipment cabinets, which are located on the ground. The equipment would lie within an existing telecommunication compound. All equipment associated with this proposal will be painted to match the monopole (Condition of Approval #3). A six-foot chain link fence encloses this area. Equipment is screened from view by redwood slats attached to the fence.

Site Layout: The site consists of an industrial building located at the center of the lot in between two parking areas. The project area is located directly behind the building towards the northwest corner of the site. The monopole lies within an enclosed area containing the existing cabinets that support the antennas. The proposal would increase this area by 266 square feet (19' x 14')

to accommodate the needed equipment for the new six panel antennas. The new enclosed area would total approximately 766 square feet.

Landscaping: The site was developed in 1964 with landscaped areas already defined at the front of the site. Due to the poor state of the landscaping prior to the previous application in 2001, a condition of approval had required this landscaping to be maintained and improved. This enhancement has occurred since the previous application on this site. There is no increased landscaping proposed for this proposal.

Parking/Circulation: Due to the additional area needed for the increased enclosure area the available parking of the site will be reduced by two spaces. The site will maintain the minimum 22 spaces that are needed for the industrial use. Parking is provided at the front (6 spaces) and rear (16 spaces) of the site. A driveway along the left (south) side of the building allows access to the rear of the site where the equipment and monopole are located.

Compliance with Development Standards

The following sections of the Wireless Telecommunication Ordinances of the Sunnyvale Municipal Code apply to the proposed project:

19.54.140(a) – Wherever technically feasible, wireless telecommunication service providers are encouraged to co-locate telecommunication facilities in order to reduce adverse visual impacts; however, the city discourages the development of “antenna farms” or the clustering of multiple antennas on a single monopole, tower or other elevation, unless the site is determined to be suitable based on the following factors:

(1) Compliance with all FCC RF emission standards;

- *This project meets all FCC RF emissions standards.*

(2) Visibility from residentially zoned property;

- *This project is not visible from residentially zoned properties.*

(3) Visibility from El Camino Real or the right of way of a freeway, expressway or other major arterial street;

- *This project is not noticeable visible from any freeway or Lawrence Expressway.*

(4) Visibility from the Downtown Specific Plan area or other areas declared by the Director of Community Development to be visually sensitive; and

- *This project is not visible from the Downtown Specific Plan area or other areas identified in the Telecommunications code as being sensitive.*

(5) Lack of aesthetically preferable feasible alternatives.

- *The project makes use of an existing monopole. Using the existing monopole is the most aesthetically preferable option for this site. Staff believes the construction of a new monopole at this site or in the immediate vicinity is less desirable.*

Expected Impact on the Surroundings

As required by FCC regulations, the proposal shall comply with all RF emission standards. The applicant has submitted a study that indicates that the facility is within the maximum exposure levels permitted by the FCC. The proposed additional antennas will have a minimal visual impact to the existing monopole. The equipment enclosure is located at the rear of the site and is not visible from the public street. The surrounding area consists of industrial buildings and is not noticeably visible from the closest residentially zoned properties (mobile home park). As noted previously, Condition of Approval #3 requires that the antennas be painted to match the existing monopole. Staff believes that the alternative proposal with an array of antennas projecting from the monopole would be less aesthetically preferable.

Findings, General Plan Goals and Conditions of Approval

Staff was able to make the required Findings based on the justifications for the Use Permit.

- Findings and General Plan Goals are located in Attachment 1.
- Conditions of Approval are located in Attachment 2.

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected.

Public Contact

Notice of Negative Declaration and Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none">• Published in the <i>Sun</i> newspaper• Posted on the site• 32 notices mailed to the property owners and tenants within 300 ft. of the project site	<ul style="list-style-type: none">• Posted on the City of Sunnyvale's Website• Provided at the Reference Section of the City of Sunnyvale's Public Library	<ul style="list-style-type: none">• Posted on the City's official notice bulletin board• City of Sunnyvale's Website• Recorded for SunDial

Alternatives

1. Adopt the Negative Declaration and approve the Use Permit with attached conditions.
2. Adopt the Negative Declaration and approve the Use Permit with modified conditions.
3. Do not adopt the Negative Declaration and direct staff as to where additional environmental analysis is required.

Recommendation

Recommend Alternative 1.

Prepared by:

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Project Planner

Reviewed by:

Gerri Caruso
Principal Planner

Attachments:

1. Recommended Findings
2. Recommended Conditions of Approval
3. Negative Declaration
4. Site and Architectural Plans
5. Applicant's Project Description and Justifications
6. Photo of subject site
7. Photosimulations

Recommended Findings - Use Permit

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale. The Wireless Telecommunications Policy promotes retention of local zoning authority when reviewing telecommunication facilities. The zoning code requires that the location of telecommunication facilities be designed with sensitivity to the surrounding areas. The proposed facility is compliant with all wireless telecommunication development standards:
 - The project meets all FCC RF emissions standards:
 - The project is not visible from residentially zoned properties.
 - The project is not visible from any major arterial streets, freeways or expressways.
 - The project is not visible from the Downtown Specific Plan area or other areas identified in the Telecommunications code as being sensitive.
 - The project makes use of an existing monopole in an industrial area. Additionally, the proposed ground equipment will be screened within an enlarged fenced enclosure.
2. The proposed use is desirable, and will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the Zoning District. The proposed antennas meet the visual standards established by the city for telecommunication facilities as the proposed antennas make use of an existing monopole. The equipment will be painted to match the existing monopole. As recommended by staff, the antennas would be flush-mounted to the existing monopole. Staff finds that the antennas will not cause an additional negative aesthetic impact to the surrounding industrial area.

Recommended Conditions of Approval - Use Permit

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

1. Submit for Building Permits prior to construction/installation activity.
2. Any major modifications or expansion of the approved use shall be approved at a separate public hearing by the Director of Community Development. Minor modifications shall be subject to approval by the Director of Community Development.
3. The proposed antennas will be painted to match the existing monopole and antennas.
4. The proposed antennas shall be flush mounted to the existing monopole. Revised plans shall be submitted prior to approval of building permits.
5. Every owner or operator of a wireless telecommunication facility shall renew the facility permit at least every five (5) years from the date of initial approval.
6. Each facility must comply with any and all applicable regulations and standards promulgated or imposed by any state or federal agency, including but not limited to, the Federal Communications Commission and Federal Aviation Administration.
7. Certification must be provided that the proposed facility will at all times comply with all applicable health requirements and standards pertaining to RF emissions.
8. The owner or operator of any facility shall obtain and maintain current at all times a business licenses issued by the city.
9. The owner or operator of any facility shall submit and maintain current at all times basic contact and site information on a form to be supplied by the city. Applicant shall notify city of any changes to the information submitted within thirty (30) days of any change, including change of the name or legal status of the owner or operator. This information shall include, but is not limited to the following:

- (a) Identity, including name, address and telephone number, and legal status of the owner of the facility including official identification numbers an FCC certification, and if different from the owner, the identity and legal status of the person or entity responsible for operating the facility.
 - (b) Name, address and telephone number of a local contact person for emergencies.
 - (c) Type of service provided.
- 10. All facilities and related equipment, including lighting, fences, shields, cabinets, and poles, shall be maintained in good repair, free from trash, debris, litter and graffiti and other forms of vandalism, and any damage from any cause shall be repaired as soon as reasonably possible so as to minimize occurrences of dangerous conditions or visual blight. Graffiti shall be removed from any facility or equipment as soon as practicable, and in no instance more than forty-eight (48) hours from the time of notification by the city.
- 11. Each facility shall be opened in such a manner so as to minimize any possible disruption caused by noise. Backup generators shall only be operated during periods of power outages, and shall not be tested on weekends or holidays, or between the hours of 10:00 p.m. and 7:00 a.m. on weekend nights. At no time shall equipment noise from any source exceed an exterior noise level of 60 dB at the property line.
- 12. Each owner or operator of a facility shall routinely and regularly inspect each site to ensure compliance with the standards set forth in the Telecommunications Ordinance.
- 13. The wireless telecommunication facility provider shall defend, indemnify, and hold harmless the city of any of its boards, commissions, agents, officers, and employees from any claim, action or proceeding against the city, its boards, commission, agents, officers, or employees to attack, set aside, void, or annul, the approval of the project when such claim or action is brought within the time period provided for in applicable state and/or local statutes. The city shall promptly notify the provider(s) of any such claim, action or proceeding. The city shall have the option of coordination in the defense. Nothing contained in this stipulation shall prohibit the city from participating in a defense of any claim, action, or proceeding if the city bears its own attorney's fees and costs, and the city defends the action in good faith.

14. Facility lessors shall be strictly liable for any and all sudden and accidental pollution and gradual pollution resulting from their use within the city. This liability shall include cleanup, intentional injury or damage to persons or property. Additionally, lessors shall be responsible for any sanctions, fines, or other monetary costs imposed as a result of the release of pollutants from their operations. Pollutants mean any solid, liquid, fumes, acids, alkalis, chemicals, electromagnetic waves and waste. Waste includes materials to be recycled, reconditioned or reclaimed.
15. Wireless telecommunication facility operators shall be strictly liable for interference caused by their facilities with city communication systems. The operator shall be responsible for all labor and equipment costs for determining the source of the interference, all costs associated with eliminating the interference, (including but not limited to filtering, installing cavities, installing directional antennas, powering down systems, and engineering analysis), and all costs arising from third party claims against the city attributable to the interference.